THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.8318 of 2000

Dated: 24.10.2007

Between:

Smt.M.Shakuntala .. Petitioner

And

The Government of India rep. by
Regional Passport Authority, Hyderabad
and others. .. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.8318 of 2000

ORDER:

This writ petition is filed for a Writ of Mandamus declaring the action of respondents 1 to 3 in not initiating any action against the 4th respondent as illegal and unjust, and consequently, direct respondents 1 to 3 to initiate action as per Section 10(3) (b) of the Passports Act, 1972 (for short, 'the Act') against the 4th respondent and impound the passports bearing Nos. N 643858 and A 3013689.

2. The case of the petitioner is that the 4th respondent, who is a resident of Poduru Mandal, West Godavari District, obtained a Passport bearing No. N 643853 dated 19.02.1993 from the office of the 1st respondent-Regional Passport Authority, Hyderabad and went to Singapore on 22.09.1993 and stayed there upto October, 1997 and he came back to India in the month of October, 1997. After returning to India, the 4th respondent took huge amounts from many persons on the pretext of getting visas for them. As the petitioner also intended to go abroad, the 4th respondent collected an amount of Rs.50,000/- from her saying that he will process her papers for getting visa for her to go to Singapore.

The main grievance of the petitioner is that the 4th respondent, by playing fraud, has obtained another passport from the office of the 2nd respondent-Regional Passport Authority, Subbalakshminagar, TSN colony, Visakhapatnam on 17.07.1997, vide Passport No. A 3013689 on a different name as Medapati Varahala Reddy and now he is trying to flee from India by using the second passport. The petitioner further stated that though she has submitted a written complaint to respondents 1 to 3 on 20.03.2000, but till date, they have

not taken any steps to enquire into the illegal action committed by the 4th respondent, and hence, she approached this Court and filed this writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. No doubt, the respondents have not chosen to file any counter-affidavit, but, from the facts, it is clear that the petitioner could not make out a case. If really the said contentions put forth by the petitioner were true, in my considered view, the respondents' authorities would have initiated necessary action against the 4th respondent as per the provisions of the Passport Act. Further, this Court is of the view that it cannot direct the respondents to act in a particular manner. Of course, it is stated by the petitioner in the affidavit filed in support of the writ petitioner that though she has given a complaint against the 4th respondent to the respondents 1 to 3 on 20.03.2000, they have not initiated any action. If really the petitioner has given such a complaint to the respondents, she may pursue the same by approaching the authorities and request them to do the needful.

5. Subject to the above observation, this writ petition is dismissed. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.24.10.2007

v v